

## **REMARKS**

The Office Action dated June 8, 2006 has been carefully considered. Claims 1 and 90-101 are pending in the present application. No new matter has been introduced.

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

### **I. CLAIM REJECTION UNDER 35 U.S.C. § 102(e)**

Claims 1, 90-92, 94 and 98-101 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,488,701 to Nolting *et al.* ("Nolting"). This rejection is respectfully traversed.

Independent claim 1 recites "[a]n expandable intraluminal stent comprising a metal main body portion having a first end portion, a second end portion, a middle portion having a surface, and a flow passage defined therethrough, wherein the first end portion has at least one surface having a biocompatible coating directly thereon, wherein the biocompatible coating comprises a polymer or a drug, and wherein the middle portion surface is free of the biocompatible coating." Claims 90-92, 94 and 98-101 depend from claim 1 and, therefore, include all the recitations of claim 1.

Nolting does not disclose or suggest "an expandable intraluminal stent comprising a metal main body portion having a first end portion, a second end portion, a middle portion having a surface, and a flow passage defined therethrough, wherein the first end portion has at least one surface having a biocompatible coating *directly* thereon, wherein the biocompatible coating comprises a polymer or a drug, and wherein *the middle portion surface is free of the biocompatible coating*" as recited in claim 1.

Nolting discloses a stent-graft assembly comprising a stent having at least one support member wherein "[s]ome or all of the support member or members comprise a coating which substantially encapsulates the coated support member or members" and "the stent-graft includes an ultra-thin membrane or covering which is attached to the coating." (Col. 5, lines 32-38). Nolting also discloses that "the proximal and distal regions of the stent-graft can have an *additional coating over the first coating and the membrane.*" (Col. 5, lines 38-40). (Emphasis added).

Unlike the present invention, Nolting does not disclose or suggest that the middle portion surface of its stent is free of the biocompatible coating that is directly on the first end

portion, as required by the present claims. In fact, Nolting teaches that the coating 20 that is disposed on the surface of the ends of its stent also covers the surface of the middle of Nolting's stent (see Figure 2 of Nolting). Figure 2 of Nolting shows a stent (9) with a first coating (20) on "some or all of the support members (11)," a thin membrane (21) over the first coating (20), and a second coating (34) over the thin membrane and the first coating (20) on the distal portion of the stent. (See Col. 7, ll. 35-52). By teaching that the coating 20, which is on the surface of the ends of the stent, also covers the surface of the middle of Nolting's stent, Nolting teaches away from the present invention where the middle portion surface of the stent is free of the biocompatible coating that is directly on an end portion of the stent, as required by claim 1.

In the Office Action, the Examiner alleges that Nolting discloses "in figure 2 and lines 35-57 of col. 7 a balloon expandable stent comprising a first end portion having at least one surface comprising a coating 34 which is not present on the middle portion." (Office Action, page 2). However, Nolting discloses that "the proximal and distal regions of the stent-graft can have an *additional coating over the first coating and the membrane.*" (Col. 5, lines 38-40). (Emphasis added). Thus, Nolting does not disclose or suggest that the second or additional coating (34) that is disposed on the end portions of Nolting's stent is disposed directly on the surface of the stent, as required by the present claims.

Thus, for the above reasons, it is believed that claim 1 and the claims depending therefrom are patentable over Nolting. Accordingly, withdrawal of this rejection and allowance of claims 1, 90-92, 94 and 98-101 are respectfully requested.

## **II. DOUBLE PATENTING REJECTION**

Claims 1 and 90-101 were rejected under the judicially created doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-12 of U.S. Patent No. 6,652,575 ("the '575 patent") in view of U.S. Patent No. 6,159,142 to Alt ("Alt").

Although Applicant disagrees with this rejection, Applicant files concurrently herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome this rejection. The '575 patent is related to the instant application, as the instant application is a continuation of the '575 patent. Furthermore, the '575 patent and the instant application are commonly owned by Scimed Life Systems, Inc.

Additionally, Alt does not teach or suggest an expandable intraluminal stent comprising a metal main body portion having a first end portion, a second end portion, a

middle portion having a surface, and a flow passage defined therethrough, the first end portion has at least one surface having a biocompatible coating directly thereon, wherein the biocompatible coating comprises a polymer or a drug, and the middle portion surface is free of the biocompatible coating, as recited in claim 1. In particular, Alt does not disclose or suggest a stent having a middle portion surface that is free of the biocompatible coating, as required by the present claims. Thus, it is believed that claim 1 and the claims depending therefrom are patentable over Alt.

Applicant respectfully requests withdrawal of this rejection and allowance of claims 1 and 90-101.

### III. CONCLUSION

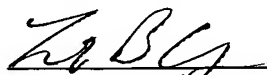
In light of the above amendments and remarks, it is believed that the claim rejections have been overcome and that the present application is in condition for allowance. Should the Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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Gidon D. Stern (Reg. No. 27,469)

By:

  
Linda B. Azrin (Reg. No. 44,516)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

Enclosures